section 251.

225. How much of this differential can be attributed to universal service support flows?

226. To what extent can incumbent LECs reasonably claim an entitlement to recover a portion of such cost differences?

227. Should we establish LRIC as a long-run standard, but permit some interim recognition of embedded costs in the short run?

228. We seek specific comment on mechanisms for any such transition, including how to determine what costs should be recovered during the transition and, most importantly, how and when any such transition would end. (¶ 144)

229. We also solicit comment on whether it would be consistent with sections 251(d)(1) and 254 for states to include any universal service costs or subsidies in the rates they set for interconnection, collocation, and unbundled network elements.

230. We also seek comment on whether the ability of states to take universal service support into account differs pending completion of the section 254 Joint Board proceeding or state universal service proceedings pursuant to section 254(f), during any transition period that may be established in the Joint Board proceeding, or thereafter. (¶ 145)

231. ... Moreover, we seek comment on whether such a pricing methodology, if used by a state, would constitute a barrier to entry as under section 253 of the 1996 Act. (¶ 148)

232. We therefore seek comment on some possible principles for analyzing rate structure questions, and some possible principles to guide state (and ultimately judicial) decisions in structuring rates for interconnection and unbundled network elements. (¶ 149)

233. We seek comment on whether a capacity-based NTS rate or a traffic-sensitive (TS) rate may be efficient for recovering the cost of shared facilities in any given circumstance. (¶ 151)

234. We seek comment on whether, pursuant to section 251(c)(2), (c)(3), (c)(6), and 251(d)(1), we should adopt rate structure principles for states to apply in meeting the pricing responsibilities under section 252(d)(1).

235. We also seek comment on how such requirements might further our goal of having clear and administratively simple rules.

236. More specifically, we seek comment on whether we should require states to adopt rate structures that are cost-causative and, in particular, whether we should require states to provide for recovery of dedicated facility costs on a flat-rated basis

or, at a minimum, make LECs offer a flat-rate option.

237. In the absence of such a standard, could usage sensitive rates for dedicated facilities cause serious inefficiencies, harm competition, or be contrary to the requirements of the 1996 Act? (¶ 152)

238. We also seek comment on whether we should adopt any rules for pricing of shared facilities.

239. Parties should address the circumstances under which TS rates or flat capacity-based rates would produce efficient results for shared facilities.

240. We seek comment on the "switch platform" concept, on whether the 1996 Act requires that switching capacity be made available to new entrants on this basis, and on the competitive implications of such a rate structure.

241. We also seek comment on whether, in the context of these bottleneck facilities offered by incumbent LECs to their competitors, any measures are necessary to prevent incumbent LECs from recovering more than the total cost of a shared facility from users of that facility.

242. Finally, we seek comment on whether concerns about pricing of shared facilities could be alleviated if, as discussed below, sellers of facilities are not allowed to preclude purchasers from further reselling such facilities on a shared basis, which would create alternative sources of shared capacity. (¶ 153)

243. Additionally, we seek comment on whether under the 1996 Act we should require or permit volume and term discounts for unbundled elements or services.

244. Commenters are also invited to suggest alternative rate structure principles.

245. Parties should explain how their proposals are consistent with economic cost-causation principles, and with the language and intent of the 1996 Act. (¶ 154)

246. We seek comment on the meaning of the term "nondiscriminatory" in the 1996 Act compared with the phrase "unreasonable discrimination" in the 1934 Act. ...

247. We seek comment on whether sections 251 and 252 can be interpreted to prohibit only unjust or unreasonable discrimination. ..

248. We also seek comment as to whether we should allow such pricing as a policy matter. (¶ 156)

249. ... We also seek comment on how the particular principles discussed above would affect existing state rules and policies, as well as existing negotiated agreements between carriers. (¶ 157)

250. With respect to section 251(c)(2), however, we believe the statute imposes limits on the purposes for which any telecommunications carrier, including interexchange carriers, may request interconnection pursuant to that section. ... We seek comment on this interpretation. (¶ 160)

251. Interexchange service would not appear to qualify as "exchange access" either. ... We seek comment on our tentative conclusion. (¶ 161)

252. ... We seek comment, however, on whether a carrier may request cost-based interconnection under section 251(c)(2) *solely* for this purpose. ...

253. We seek comment on this analysis.

254. We also seek comment on the impact that any conclusion here would have on the Commission's *Expanded Interconnection* rules, which address the competitive provision of interstate access. (¶ 162)

255. Some interested persons have suggested that this interpretation of section 251(c)(3) would allow interexchange carriers, in effect, to obtain network elements in order to avoid the Commission's Part 69 access charges, but would not require such carriers to use such elements to compete with the incumbent LEC to provide telephone exchange service to subscribers. ... We seek comment on these issues. (¶ 164)

256. We next seek comment on whether interconnection arrangements between incumbent LECs and commercial mobile radio service (CMRS) providers fall within the scope of section 251(c)(2).

257. ... we also seek comment on the separate but related question of whether LEC-CMRS transport and termination arrangements fall within the scope of section 251(b)(5). (¶ 166)

258. ... We seek comment on which if any CMRS, including voice-grade services, such as cellular, PCS, and SMR, and non-voice-grade services, such as paging, fit this definition.

259. In commenting, parties should address any past Commission statements that bear on the matter. (¶ 168)

260. Although we seek comment on the relationship of the two provisions in this proceeding, we note that LEC-CMRS interconnection pursuant to section 332(c) is the subject of its own ongoing proceeding in CC Docket No. 95-185, which the Commission initiated prior to the enactment of the 1996 Act. ...

261. In submitting additional comments, parties may want to address the possibility that, if both sections 251 and 332(c) apply, the requesting carrier would have to choose the provision under which to proceed.

262. Parties may also want to address whether it would be sound policy for the Commission to distinguish between

telecommunications carriers on the basis of the technology they use. (¶ 169)

263. We seek comment generally on the application of this section, as set forth in some detail below. ...

264. We also seek comment generally on the relationship of this section to section 251(b)(1), which imposes certain resale duties on all LECs. (¶ 173)

265. .... One view of the relationship between section 251(b)(1) and section 251(c)(4) is that all LECs are prohibited from imposing unreasonable restrictions on resale, but that only incumbent LECs that provide retail services to subscribers that are not telecommunications carriers are required to make such services available at wholesale rates to requesting telecommunications carriers. We seek comment on this view. (¶ 174)

266. We also seek comment on what limitations, if any, incumbent LECs should be allowed to impose with respect to services offered for resale under section 251(c)(4).

267. Should the incumbent LEC have the burden of proving that a restriction it imposes is reasonable and nondiscriminatory? ... We seek comment on this view.

268. We also seek comment on whether, and if so how, the resale obligation under section 251(c)(4) extends to an incumbent LEC's discounted and promotional offerings.

269. Did Congress intend for such offerings to be provided at wholesale rates, based on the promotional rate minus avoided costs, or does the obligation to provide for resale at wholesale rates only apply to the incumbent LEC's standard retail offerings?

270. If the obligation extends only to the standard offering, what effect would that have on the use of resale as a means of entering the local market?

271. If the obligation applies to promotional and discounted offerings, must the entrant's customer take service pursuant to the same restrictions that apply to the incumbent LEC's retail customers?

272. Moreover, how would such restrictions be enforced without impeding competition (e.g., through disclosure of competitively sensitive information)?

273. We also seek comment on whether a LEC can avoid making a service available at wholesale rates by withdrawing the service from its retail offerings, or whether it should be required to make a showing that withdrawing the offering is in the public interest or that competitors will continue to have an alternative way of providing service.

274. We also seek comment on whether access to unbundled

elements addresses this concern. (¶ 175)

275. We seek comment on the meaning of the language that "a State commission may, consistent with regulations prescribed by the Commission under this section, prohibit a reseller that obtains at wholesale rates a telecommunications service that is available at retail only to a category of subscribers from offering such service to a different category of subscribers." At the same time, we have generally not allowed carriers to prevent other carriers from purchasing high volume, low price offerings to resell to a broad pool of lower volume customers. We seek comment on this analysis. (¶ 176)

276. We note that states have adopted various policies regarding resale of telecommunications services. ... We seek comment on whether it would be consistent with the 1996 Act to use any state policies concerning restrictions on resale in our federal policies.

277. We also seek comment on state policies that are inconsistent with the goals of the 1996 Act or that are inadvisable from a policy perspective.

278. Parties are also invited to comment on whether requiring new entrants to cope with resale policies that are inconsistent from one state to another would disadvantage them competitively in a manner inconsistent with the 1996 Act. (¶ 177)

279. We seek comment generally about the meaning of the term "wholesale rates" in section 251(c)(4).

280. To ensure that incumbent LECs fulfill their duty under section 251(c)(4) regarding resale services, can and should we establish principles for the states to apply in order to determine wholesale prices in an expeditious and consistent manner? (¶ 179)

281. We also seek comment on whether we should issue rules for states to apply in determining avoided costs. ...

282. We seek comment on whether avoided costs should also include a share of general overhead or "mark-up" assigned to such costs. ...

283. We seek comment on how this approach could be adopted without creating unnecessary burdens on the LECs. (¶ 180)

284. ... Another issue on which we seek comment is whether states should be permitted or required to allocate some common costs to "avoided cost" activities.

285. We seek comment on these options, and invite parties to propose other options.

286. We also seek comment on how any approach would further our goals of clarity and administrative simplicity. (¶ 181)

287. We also seek comment on whether we should establish

rules that allocate avoided costs across services.

288. Should incumbent LECs be allowed, or required, to vary the percentage wholesale discounts across different services based on the degree the avoided costs relate to those services?

289. We seek comment on this approach and on other options, such as requiring that avoided costs be allocated proportionately across all services so that there would be a uniform discount percentage off of the retail rate of each service. (¶ 182)

290. We seek comment on whether any of these approaches by the states are consistent with the fundamental objectives of the 1996 Act, and which, if any, might be useful in setting a national policy.

291. We also invite comments discussing the effect of any regulations we adopt on agreements that have already been negotiated or decisions that have already been made by the states. (¶ 183)

292. We seek comment on the relationship between rates for unbundled network elements and rates for wholesale or retail service offerings. (¶ 184)

293. We seek comment on whether it would advance the pro-competitive goals of the 1996 Act for all states to follow an imputation rule, and on the potential pitfalls of such a rule. (¶ 186)

294. ... We seek comment on the relative advantages and detriments of this and other alternatives as either federal policies or policies that individual states could adopt. (¶ 187)

295. We note that, to the extent federal implicit universal service subsidies contribute to any problems created by adopting an imputation rule when retail rates are below cost, they will be addressed in the federal-state joint board review of universal service requirements being conducted pursuant to section 254. ... We seek comment on these issues.

296. We also invite comment on whether some interim rules might be appropriate to address this problem before the federal-state joint board established pursuant to section 254 acts, which could be up to nine months after we issue an order in this proceeding.

297. We also solicit comment on any other rules that should be adopted concerning the relationship between services or elements that are necessary to promote the goals of the Act. (¶ 188)

298. .... We request comment on what changes should trigger the public notice requirement and on the above tentative conclusions. (¶ 189)

299. In addition, we request comment on how public notice

should be provided. ...

300. We further seek comment as to whether incumbent LECs should be required to file with the Commission a reference to this technical information and where it can be located (*e.g.*, an Internet address). (¶ 191)

301. We seek comment as to whether the Commission should adopt a comparable timetable for the section 251(c)(5) network disclosure requirements and how the timetable should be implemented in this context. (¶ 192)

302. We seek comment on the relationship between sections 273(c)(1) and (c)(4), which detail BOCs' disclosure requirements "to interconnecting carriers . . . on the planned deployment of telecommunications equipment," and section 251(c)(5), which addresses disclosure requirements for all incumbent LECs.

303. In addition, we seek comment on what enforcement mechanism, if any, should be employed to ensure compliance with the section 251(c)(5) public notice requirement and how we might reconcile the related obligations under sections 251(a), 251(c)(5) and 256 to make them simple to administer. (¶ 193)

304. We seek comment on the extent to which safeguards may be necessary to ensure that information regarding network security, national security and proprietary interests of LECs, manufacturers and others are not compromised, and what those safeguards should be. (¶ 194)

305. We also seek comment on whether we may classify a CMRS provider as a LEC for certain purposes but not for others.

306. For example, could we treat a CMRS provider as a LEC for purposes of providing resale but not for providing number portability?

307. We also request that commenters discuss whether we may classify some classes of CMRS providers as LECs, but not others, such as those that are not competing with LECs.

308. For example, in considering whether to classify certain CMRS providers as LECs, should we distinguish between CMRS providers that offer cellular service from those that offer only paging services? (¶ 195)

309. We seek comment on what types of restrictions on resale of telecommunications services would be "unreasonable" under this provision. ...

310. We also seek comment on what standards we should adopt, if any, to determine whether a resale restriction should be permitted.

311. Further, we seek comment on whether any restriction on resale should be presumed to be unreasonable absent an affirmative showing that the restriction is reasonable, and if so, how could such a showing be made.

312. Finally, commenters should address whether any of the issues discussed above with respect to resale by incumbent LECs as required under section 251(c)(4) should be applied to other LECs pursuant to section 251(b)(1). (¶ 197)

313. Section 251(b)(3) makes no distinction among international, interstate and intrastate traffic for purposes of the dialing parity provisions. ... We seek comment on this tentative conclusion. (¶ 206)

314. We seek comment on specific alternative methods for implementing local and toll dialing parity, including various forms of presubscription, in the interstate and intrastate long distance and international markets, that are consistent with the statutory requirements set forth in the 1996 Act.

315. Specifically, we seek information and comment on the standards, if any, that have been developed to address or define local or toll dialing parity, the consistency of those standards with the statutory definition of dialing parity set forth in the 1996 Act, and the extent to which there is a need for the development of further standards. (¶ 209)

316. ... We seek comment on whether any of the presubscription methods adopted by the states could be implemented in national dialing parity standards consistent with the requirements of the 1996 Act.

317. We also seek comment as to the categories of long distance traffic (*e.g.*, intrastate, interstate, and international traffic) for which a customer should be entitled to choose presubscribed carriers, and whether a uniform, nationwide methodology is necessary.

318. In the absence of uniform, federal rules, we ask commenters, and state commissions in particular, to address the difficulties state commissions might experience in implementing the dialing parity requirements of the 1996 Act.

319. Finally, we seek comment on what Commission action, if any, is necessary to implement dialing parity for international calls. (¶ 210)

320. ... We seek comment on this tentative conclusion and seek information as to how this local dialing parity requirement should be implemented. (¶ 211)

321. ... We seek comment on what implementation schedule should be adopted for dialing parity obligations for all LECs. (¶ 212)

322. ... We seek comment as to whether the Commission should require LECs to notify consumers about carrier selection procedures or impose any additional consumer education requirements.

323. Finally, we seek comment on an alternative proposal that would make competitive telecommunications providers responsible for notifying customers about carrier choices and

selection procedures through their own marketing efforts. (¶ 213)

324. ... As a general matter, we tentatively conclude that "nondiscriminatory access" means the same access that the LEC receives with respect to such services. We seek comment on this tentative conclusion.

325. We also seek comment as to how the Commission should implement the nondiscriminatory access provisions that are contained in section 251(b)(3) as is discussed in more detail below. (¶ 214)

326. ... we seek comment as to what, if any, additional Commission action is necessary or desirable to ensure nondiscriminatory access to telephone numbers consistent with the requirements of section 251(b)(3). (¶ 215)

327. ... We seek comment on this proposed definition and on what, if any, Commission action is necessary to implement the nondiscriminatory access requirements for operator services under section 251(b)(3).

328. We ask commenters to address whether the duty imposed on LECs to provide nondiscriminatory access to operator services includes the duty to resell operator services to non-facilities-based competing providers or facilities-based competing providers. (¶ 216)

329. We seek comment on this interpretation and on what, if any, Commission action is necessary or desirable to implement nondiscriminatory access to directory assistance and directory listing as required by section 251(b)(3).

330. We also seek comment on whether customers of competing telecommunications providers can access directory assistance by dialing 411 or 555-1212, or whether an alternative dialing arrangement is needed in order to make directory assistance databases accessible to all providers.

331. We ask commenters to address whether the duty imposed on LECs to provide nondiscriminatory access to directory assistance includes the duty to resell 411 or local 555-1212 directory assistance services to non-facilities-based competing providers or to facilities-based competing providers. (¶ 217)

332. ... We seek comment on the appropriate definition of the term "dialing delay" and on appropriate methods for measuring and recording that delay.

333. Accordingly, we ask interested parties to define clearly the time being measured rather than rely upon a definition of a term that may have been used in particular proceedings.

334. Finally, we ask commenters to identify a specific period that would constitute an "unreasonable" dialing delay. (¶ 218)

335. ... We seek comment on what, if any, standard should be used for arbitration to determine the dialing parity implementation costs that LECs should be permitted to recover, and how those costs should be recovered. (¶ 219)

336. We will adopt rules implementing several of these provisions in one or more separate proceedings. ... we have an opportunity to seek comment and establish any rules necessary to implement section 251(b)(4) within the six month period established by the statute. (¶ 221)

337. We seek comment as to the meaning of "nondiscriminatory access" with respect to this provision.

338. For example, to what extent must a LEC provide access to poles, ducts, conduits, and rights-of-way on similar terms to all requesting telecommunications carriers?

339. Must those terms be the same as the carrier applies to itself or an affiliate for similar uses?

340. Are there any legitimate bases for distinguishing conditions of access?

341. We seek comment on specific reasons of safety, reliability, and engineering purposes, if any, upon which access could be denied consistent with sections 224(f)(1) and 251(b)(4). (¶ 222)

342. We seek comment on specific standards under section 224(f)(2) for determining when a utility has "insufficient capacity" to permit access.

343. Likewise, we seek comment as to the conditions under which access may be denied for "reasons of safety, reliability and generally applicable engineering purposes."

344. For example, should we establish regulations that require a certain minimum or quantifiable threat to reliability before a utility may deny access under section 224(f)(2)?

345. Should we establish regulations that expressly impose on utilities the burden of proving that they are justified in denying access pursuant to section 224(f)(2)?

346. May we, and should we, establish regulations to ensure that a utility fairly and reasonably allocates capacity? (¶ 223)

347. We seek comment on whether we should establish requirements regarding the manner and timing of the notice that must be given under this provision to ensure that the recipient has a "reasonable opportunity" to add to or modify its attachment.

348. In addition, we seek comment on whether to establish rules to determine the "proportionate share" of the costs to be borne by each entity, and if so, how such a determination should be made.

349. We also seek comment on whether any payment of costs should be offset by the potential increase in revenues to the owner.

350. For example, if the owner of a pole modifies the pole so as to permit additional attachments, for which it can collect additional revenues, should such potential revenues offset the costs borne by the entities that already have access to the pole?

351. We also seek comment on whether we should impose any limitations on an owner's right to modify a facility and then collect a proportionate share of the costs of such modification.

352. For example, should we establish rules that limit owners from making unnecessary or unduly burdensome modifications or specifications? (¶ 225)

353. We seek comment on whether "transport and termination of telecommunications" under section 251(b)(5) is limited to certain types of traffic.

354. We seek comment on whether it also encompasses telecommunications traffic passing between neighboring LECs that do not compete with one another. (¶ 230)

355. We seek comment on whether we should require that states price facilities dedicated to an interconnecting carrier, such as the transport links from one carrier's switch to the meet point with an interconnecting carrier, on a flat-rated basis.

356. We invite comment on other possible interpretations of the statutory distinction between "transport" and "termination" of traffic. (¶ 231)

357. In considering the pricing policies for transport and termination of traffic, we seek comment on whether the pricing provisions in Section 252(d) should be viewed independently, or whether they should be considered together. (¶ 232)

358. We seek comment on whether the statute permits states to use identical pricing rules for each category and, if different rules are used for each, whether it will be possible to distinguish transport and termination from the other categories of service.

359. We also seek comment on whether, if two different pricing rules could apply to a particular situation, we should require that the new entrant be able to choose between them. (¶ 233)

360. We seek comment on whether we should establish a generic pricing methodology or impose a ceiling to guide the states in setting the charge for the transport and termination of traffic, and whether any such generic pricing methodology or ceiling should be established using the same principles that might be used to establish any ceiling for interconnection and unbundled elements.

361. We invite parties to suggest any other rules we might establish to assist states.

362. We also seek comment on whether we should mandate a floor for state pricing of reciprocal compensation. ....

363. We also seek comment on the meaning of section 252(d)(2)(B)(ii), which prohibits "any rate regulation proceeding to establish with particularity the additional costs of transporting or terminating calls" and any requirement that carriers "maintain records with respect to the additional costs of such calls."

364. We seek comment on whether one or more of the state policies for mutual compensation for transport and termination of traffic could serve as a model for national policies.

365. We also seek comment on state policies that the commenter believes are inconsistent with the goals of the 1996 Act or that are inadvisable from a policy perspective.

366. Parties are also invited to comment on the possible consequences of requiring new entrants to negotiate reciprocal compensation arrangements with incumbents under ground rules that may vary widely from state to state.

367. We also seek comment on whether provisions to maintain existing arrangements are necessary under section 251(d)(3). (¶ 234)

368. We seek comment on whether a rate symmetry requirement is consistent with the statutory requirement that rates set by states for transport and termination of traffic be based on "costs associated with the transport and termination on each carrier's network facilities of calls that originate on the network facilities of the other carrier," and "a reasonable approximation of the additional costs of terminating such calls." (¶ 235)

369. In establishing principles to govern state arbitration of rates for transport and termination of traffic, as well as state review of BOC statements of generally available terms and conditions, ... We seek comment on these options. (¶ 238)

370. We seek comment on whether section 252(d)(2)(B)(i) authorizes states or the Commission to impose bill and keep arrangements.

371. If it does, we also seek comment on whether we must or should limit the circumstances in which states may adopt bill and keep arrangements. ...

372. In addition, we seek comment on the meaning of the statutory description of bill and keep arrangements as "arrangements that waive mutual recovery."

373. We seek comment on the policies that the states have adopted with respect to bill and keep arrangements.

374. We also seek comment on the historical interconnection arrangements between neighboring incumbent LECs, which, in many cases, used a bill and keep approach with respect to compensation for transport and termination of telecommunications traffic.

375. We also seek comment on whether one or more of these state policies could be incorporated as models for federal policy.

376. We also seek comment on state policies that the commenter believes are inconsistent with the goals of the 1996 Act or that are inadvisable from a policy perspective. (¶ 243)

377. We solicit comment on whether any of these or other alternatives should be used as the principle for pricing transport and termination of traffic between LECs, and how they would be applied.

378. We also seek comment on whether it might be desirable to establish an interim rule (such as bill and keep) to apply during a limited initial period while negotiations or arbitration proceedings are ongoing, and a different rule for states to use if called upon to establish long-term arbitrated rates. (¶ 244)

379. We seek comment on which carriers are included under this definition, and on whether a provider may qualify as a telecommunications carrier for some purposes but not others.

380. For example, how does the provision of an information service, as defined by section 3(a)(41), in addition to an unrelated telecommunications service, affect the status of a carrier as a "telecommunications carrier" for purposes of section 251? (¶ 246)

381. ... We also seek comment on whether, and in what respects, this definition of "telecommunications carrier" differs from the definition of "common carrier." (¶ 247)

382. ... We seek comment on the meaning of "directly or indirectly" in the context of section 251(a)(1), as well as any other issues raised by this subsection.

383. In this context, we ask commenters to address whether section 251(a) is correctly interpreted to allow non-incumbent LECs receiving an interconnection request from another carrier to connect directly or indirectly at its discretion. ...

384. We ask commenters to address how this provision should be applied to incumbent and non-incumbent LECs. (¶ 248)

385. ... we request comment here on what action, if any, the Commission should take to ensure compliance with the obligations established in section 251(a)(2), which directs telecommunications carriers "not to install network features, functions, or capabilities that do not comply with the guidelines or standards established pursuant to section 255 or 256."

386. What steps, if any, should the Commission take to make carriers aware of the standards adopted pursuant to sections 255 and 256, and of the periodic revisions to these standards?

387. How should the phrase "network features, functions or capabilities" be defined, and what is meant by "installing" such network features? (¶ 249)

388. The Commission has already taken action to designate an impartial number administrator in its North American Numbering Plan (NANP) decision. ... We tentatively conclude that the *NANP Order* satisfies the requirement of section 251(e)(1) that the Commission designate an impartial number administrator. We seek comment on this tentative conclusion. (¶ 252)

389. ... We also tentatively conclude that the *Ameritech Order* should continue to provide guidance to the states regarding how new area codes can be lawfully implemented. We seek comment on these tentative conclusions. (¶ 256)

390. We therefore seek comment on whether the Commission should, in light of this concern and the enactment of section 251(e)(1), reassess the jurisdictional balance between the Commission and the states that was crafted in the *Ameritech Order*.

391. We also seek comment on what action this Commission should take when a state appears to be acting inconsistently with our numbering administration guidelines. (¶ 257)

392. ... We seek comment on this tentative conclusion. We also seek comment on whether the Commission should delegate any additional number administration functions to the states or to other entities. (¶258)

393. We seek comment on whether the Commission can and should establish some standards that would assist the states in satisfying their obligations under this section.

394. For example, should the Commission establish standards regarding what would constitute a "bona fide" request? (¶ 261)

395. ... We seek comment on any issues that these provisions may create.

396. In particular, we seek comment on any aspect of this Notice that may affect existing "equal access and nondiscriminatory interconnection restrictions and obligations (including receipt of compensation)." (¶ 262)

397. ... Because section 251 and this NPRM comprehensively address "measures to promote competition in the local telecommunications market," we believe it relevant to also seek comment herein on how we can advance Congress's subsection 706(a) goal within the context of our implementation of sections 251 and 252 of the 1996 Act. (¶ 263)

398. ... we seek comment on whether in this proceeding we should establish regulations necessary and appropriate to carry out our obligations under section 252(e)(5).

399. We also seek comment on what constitutes notice of failure to act, and what procedures, if any, we should establish for interested parties to notify the FCC that a state commission has failed to act. (¶ 265)

400. We seek comment on the circumstances under which a state commission should be deemed to have "fail[ed] to act" under section 252(e)(5). ...

401. We seek comment on the relationship between this provision and our obligation to assume responsibility under section 252(e)(5).

Other questions raised by section 252(e)(5) include:

402. if the Commission assumes the responsibility of the state commission, is the Commission bound by all of the laws and standards that would have applied to the state commission; and

403. is the Commission authorized to determine whether an agreement is consistent with applicable state law as the state commission would have been under section 252(e)(3)? (¶ 266)

404. We seek comment on whether, once the Commission assumes responsibility under section 252(e)(5), it retains jurisdiction over that matter or proceeding. (¶ 267)

405. We also seek comment on whether we should adopt in this proceeding some standards or methods for arbitrating disputes in the event we must conduct an arbitration under section 252(e)(5). (¶ 268)

406. We seek comment on whether in this proceeding we should adopt standards for resolving disputes under section 252(i) in the event that we must assume the state's responsibilities pursuant to section 252(e)(5).

407. Because the Commission may need to interpret section 252(i) if it assumes the state commission's responsibilities, we seek comment on the meaning of that provision. Must interconnection, services, or network elements provided under a state-approved section 252 agreement be made available to any requesting telecommunications carrier, or would it be consistent with the language and intent of the law to limit this requirement to similarly situated carriers?

408. If the obligation were construed to extend only to similarly situated carriers, how should similarly situated carriers be defined?

409. For example, does the section require that the same rates for interconnection must be offered to all requesting carriers regardless of the cost of serving that carrier, or would it be consistent with the statute to permit different rates if the costs of serving carriers are different?

410. In addition, can section 252(i) be interpreted to allow LECs to make available interconnection, services, or network elements only to requesting carriers serving a comparable class of subscribers or providing the same service (*i.e.*, local, access, or interexchange) as the original party to the agreement?

411. We tentatively conclude that the language of the statute appears to preclude such differential treatment among carriers. We seek comment on this tentative conclusion. (¶ 270)

412. We seek comment on whether section 252(i) requires requesting carriers to take service subject to all of the same terms and conditions contained in the entire state-approved agreement.

413. Alternatively, does section 252(i) permit the separation of section 251(b) and (c) agreements down to the level of the individual provisions of subsections (b) and (c) and the individual paragraphs of section 251? (¶ 271)

414. Section 252(i) requires that incumbent LECs must make available the interconnection, service, or network element provided under the agreement after state approval of the agreement. .... We seek comment on whether the agreement should be made available for an unlimited period, or whether the statute would permit the terms of the agreement to be available for a limited period of time.

415. In particular, we ask commenters to cite any statutory language that would require the resubmission of these pre-existing interconnection agreements to state agencies. (¶ 272)

* * *